

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

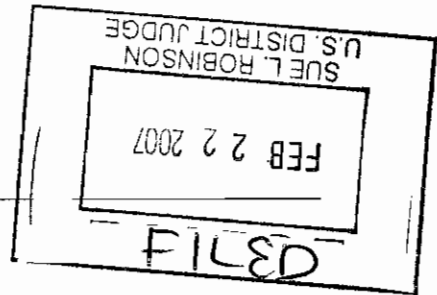
GBEKE MICHAEL AWALA, et al,
And the people of _____

Plaintiff

VS.

United States mission to the
United Nations,
ACLU, Philadelphia, et al
Defendants,

Civ No. _____



07 - 109

MOTION FOR: CIVIL RIGHTS ACTION

NOW COMES, the plaintiffs, Mr. Gbeke Michael Awala, and _____
Unanimously as Citizens and as Pro Se Litigants in the United States, under the Constitution of the
United States, and based on the Federal Rule of Civil Procedures, moves the Honorable Court, and
the Noble District Court judge, to hear and execute Judgement in the Facts and Legal allegations
herein raised in the interest of Justice and parties involve. In support the plaintiffs states as
follows:

1. Plaintiff Gbeke M. Awala, Cry out to the
2. Defendants, because of his affliction out
3. of the United States District Court, for the
4. District of Delaware and The U.S. Attorney's
5. Office for the District of Delaware, that the
6. Press and Public Affairs Section, should
7. Inform and explain to the media and general
- Public, the transgressions of these Court and the
- Government, For their misconduct grew more
- tempestuous against me / Plaintiff. Thus it is
- Other: right for me to Press the Spokesperson for the mission.

Signatures: _____

Reformer-Litigator

Gbeke Michael Awala

FORM TO BE USED BY A PRISONER FILING A
42 U.S.C. § 1983 CIVIL RIGHTS COMPLAINT
IN THE UNITED STATES DISTRICT COURT
FOR THE ~~Wilmington~~ DISTRICT OF Delaware

Gbeke Michael Awala I. CAPTION

(Enter the full name of the plaintiff or plaintiffs)

United States Mission to the United Nations.
v.
ACLU, Philadelphia

Laura Bush and Condoleezza Rice, and
(Enter the full name of the defendant or defendants) Sue L. Robinson,
Chief Judge.
and

II. PARTIES

a. Plaintiff

Full name: Gbeke Michael Awala

Prison identification number: 82074-054

Place of present confinement: Moshannon Valley Correctional Center

Address: P.O. Box 2000 Philipsburg PA 16866

Place of confinement at time of incidents or conditions alleged in complaint, including address:

Salem County Corrections, 125 Cemetery Rd, Woodstown, NJ.

Additional plaintiffs: Provide the same information for any additional plaintiffs on the reverse of this page or on a separate sheet of paper.

b. Defendants: (list only those defendants named in the caption of the complaint, section I)

1. Full name including title: United States Mission to the United Nations.

Place of employment and section or unit: New York, NY 10017

2. Full name including title: American Civil Liberties Union, Foundation.

Place of employment and section or unit: Philadelphia, PA 19106-0008

3. Full name including title: Laura Bush, First Lady

Place of employment and section or unit: The White House, D.C. 20500

4. Full name including title: Condoleezza Rice, Secretary of State

Place of employment and section or unit: Washington, D.C. 20500 et al.

Additional defendants: Provide the same information for any additional defendants on the reverse of this page or on a separate sheet of paper.

III. PREVIOUS LAWSUITS

Instructions:

If you have filed other lawsuits in any federal or state court dealing with the same facts as this complaint or other facts related to your imprisonment, you must provide the information requested below. If you have not filed other lawsuits, proceed to Section IV, Administrative Remedies, on this page.

If you have filed other lawsuits, provide the following information.

Parties to your previous lawsuit:

Plaintiffs

Gbeke M. Awala

Defendants

3rd Circuit Judge Kent A. Jordan

Issues:

Sources used to prove 'nonexistence of Records of Birth as a U.S. Citizen and U.S. Citizenship and Immigration'; Indicate lack of trustworthiness.

Court: if federal, which district?

U.S. District Court

if state, which county?

District of Delaware

Docket number:

1:07-CV-61

Date filed:

1/29/07

Name of presiding judge:

Gregory M. Sleet

Disposition: (check correct answer(s)); Date:

Dismissed ☒

Reason?

Dismissed Pursuant to 28 U.S.C. §1915.

Judgment ☐

In whose favor?

Pending ☐

Current status?

Other ☐

Explain

Appeal filed? ☒

Current status?

Pending.

Additional lawsuits. Provide the same information concerning any other lawsuits you have filed concerning the same facts as this action or other facts related to your imprisonment. You may use the back of this page or a separate sheet of paper for this purpose.

IV. ADMINISTRATIVE REMEDIES

Instructions:

Provide the information requested below if there is an administrative procedure to resolve the issues you raise in this complaint. Examples of administrative procedures include review of grievances, disciplinary action, and custody issues. If no administrative procedures apply to the issues in this complaint, proceed to Section V, Statement of Claim, on page 4.

- a. Describe the administrative procedures available to resolve the issues raised in this complaint:

Type of procedure. (grievance, disciplinary review, etc.)

42 U.S.C. § 1981, 1982, 1983 and 1985

Authority for procedure. (DC-ADM, inmate handbook, etc.)

For Deprivation under the Color of State Law, of rights,

Formal or informal procedure. privileges and Immunities

Who conducts the initial review? Secured to me by the
Provisions of the Fourth, Fifth, Eight, Ninth and

What additional review and appeals are available? Fourteenth

Amendment to the United States Constitution and
Article III, that diligent Search of my Birth Records was benefit.

- b. Describe the administrative procedures you followed to resolve the issues raised in this complaint before filing this complaint:

On what date did you request initial review?

1/29/07

What action did you ask prison authorities to take?

Whether or not
the Defendant Conducts Lacks trustworthiness to

What response did you receive to your request?

perform the act's
Certified under Art II, § 2, cl. 2. In allegation to Conducts
that defiles Judicial Power. See Edwards. 520 US 651 (1997),

What further review did you seek and on what dates did you file the requests?

of Executive abuses of power and Conducts that
failed to Inhibit the Court's freedom to Investigate

Plaintiff matter adequately and effectively, needed to Violate or
curb Separation of Power, biased and defiled Conducts to properly

What responses did you receive to your requests for further review?

evaluate Plaintiff's Case in U.S. v. Anala, 04-90-

KAT/SLR. Defendants prevented the process of Critical

Inquiry Prior to Conviction of Plaintiff, appointed Counsel that

- c. If you did not follow each step of the administrative procedures available to resolve the issues raised in this complaint explain why.

dense Plans, but not of ABA Standard, who added to
Plaintiff's Affliction, (Samuel C. Stratton). without Plaintiff's

Advice, like 'Pharaoh' trusted Plaintiff into the Injurious

Hands of the Government Beth Moskowitz-Schul since 08/12/04.

I, Gbeke M. Awala, hereby brings this Civil Action against the defendants to redress the deprivation, under the Color of Federal Law, of rights, privileges and Immunities secured to him by Provisions of the ^{First,} Fourth, Fifth, Sixth, Ninth, Thirteenth, and Fourteenth Amendment to the United States Constitution, and 42 U.S.C. §§ 1981, 1982, 1983 and 1985.

Plaintiff at all time relevant was born in Miami, Florida on May 17, 1971, a child of Dorcas Callender Brown (neema) and Moses Hirne Awala, (Papa). Therefore, Plaintiff was deported or restricted without a fair trial on/or around September 1999.

Plaintiff returned in the most emotional Storms on January 1, 2004, in an attempt to be reunited in the Land of Separation, to reconstruct his Birthright — The Department of Homeland Security and U.S. Citizenship and Immigration Services, Left behind the Inevitable fact that the Baltimore Airport Agents, grey monotonous and Over walls Overwhelms the Materials, documents and Jackson Memorial Hospital Records of Birth

In full, with pictures, at Birth, Infant and the Name plaintiff Carried from May 17, 1971, in the City of Miami, Florida, Chicago, IL and New York City, in its entirety, before I was abducted to Ghana in 1977. Accordingly, In returning and testing for the provisions of Citizenship under Form N-400, naturalization, an Integral part of the DHS, provided a nonexistence of the matter — whereas the Source of this Information made Circumstances Indicate more acts in Furtherance of their goals to deprive me of my Birthright.

Plaintiff alleges that the District Court and the Court of Appeals for the 3rd Circuit would not renew the pattern as 'robbery' by Said Service and the U.S. Office of Citizenship and Immigration Service is Said to have Conspired for participation in the Conspiracy. Furthermore, Plaintiff had been deprived of his possession, and Conspired under Government Invidious discrimination and arbitrary Classification For a Crime he did not Commit under Re-entry After Deportation, 8 U.S.C. Sec. 1326(a) and (b)(2) (Court I.), and Sentenced on May 11, 2006 as a punishment for a Crime whereof, Plaintiff classified under Article X11, within the United States and under the U.S. District Court for the District of Delaware and the U.S. Attorney's office For District of Delaware "a devised Plan of Slavery."

Plaintiff further alleges that the defendants herein, United States Mission to the United Nations,

ACLU, Philadelphia, Laura Bush, First Lady, Condoleezza Rice, and Sue L. Robinson, established reasonably close causal relationship between defendant's Department of Homeland Security, and Plaintiff's injury under proximate Cause doctrine. Injury would not have occurred had the ACLU Philadelphia, stepped into the matter when called during the relevant time the breach fell on Plaintiff.

Defendant, United States Mission to the United Nations, Press and Public Affairs Section, of Self-Indulgence, read umpteenth time Letter sent 4/2/05, 140 East 45th Street, New York, N.Y. 10017, speaking engagements for the UN Secretary Kofi Annan, about the U.S. policies on issues of liability in statutory negligence action under the 14th Amendment, for Conduct of as a bandit of an American Citizen, Gibeke M. Awala, that exclude from the U.S. Border Protection. Thus, the defendant's infinitesimal ego comprised of political guagmire and cruel walls, deprived Plaintiff every way to allow the Journalists to cover the Plaintiff's story, also please Letters and statements and notices to the press and public on the demanding birthrights, already supported by the Government.

Defendant ACLU, Foundation, P.O. Box 40008, Philadelphia, PA 19106-0008, lives throughout the United States and sues for letting Love and happiness, trust and hope return to Plaintiff Gibeke M. Awala, when sense of guilt have damaged every part of the Government, Plaintiff having lost so much of what is dearest to him

Through the U.S. Border Protection Baltimore, Maryland. Nonetheless, efforts to minimize Consolation by the ACLU, turned agony. Thus, the Sparing of the Defendant ACLU, whose knowledge of Plaintiff's rights under the U.S. Constitution, failed to act in such a manner as to protect said rights, the dignity of my Citizenship at birth in Miami Florida was not respected. Defendant's ACLU, Philadelphia, on All National Groups on the power of equal status, equal rights, to have used their general knowledge in legal matters, having found matter presented a genuine issue of material fact or birth and arguable matters in Law and fact, to use their own language and to develop a defense against insults to the Plaintiff's Colorable claims of Birth in the United States and Natural Pride, having failed to convey such a share. to restore all laws which urge against discrimination on grounds of race, colour by any government officials, the U.S. Courts. Thus, have the duty to re-educate the U.S. Office of Attorney for the District of Delaware, about the ratification of the Civil Rights Act of 1964, the repealed and abolished Jim Crow Laws — whereas, plaintiff was robbed of his possession, as a result of racial profile and illegal Arrest and imprisonment, such Defendant's ACLU failure to act when put on notice violates Plaintiff's rights, privileges and immunities secured to Plaintiff under the provisions of the First, Fourth, Fifth, Eighth, Ninth, Thirteenth and Fourteenth Amendment to the United States Constitution and 42 U.S.C. §§ 1981, 1982, 1983 and 1985. Defendant's with knowledge of Plaintiff's

Rights Continue to have a duty under Sevid Acts and Constitutional provisions and Sworn to Conform to procedures and acts in Conformity with the Standards for the proper Share on racial basis help the Government with Implements of guarantees against discrimination. Thus, without affording plaintiff the benefit of ownership to the ACLU of the people as a whole, used restrictions to deny mediation upon Exrel, at the Instigation of Gabe M. Awala.

Plaintiff Foster alleges that the Aims of the ACLU, Foundation is unconstitutional in its face, selective and Create a single review of matters based on tainted discretion, when the Agency reasonably knew that in dictum, judicial determination of Citizenship claims is required where "Substantial evidence" is presented to support the Citizenship claim. See United States ex rel. Bilokumsky v. Tod, 263 US 149 (1923); see also Agosto v. INS, 56 LEd 2d 677 (1978) (quoting Kossler v. Strecker, 307 US 22 (1939) at 436 US 753; Agosto v. INS rejecting the allowance of the rights of U.S. Citizenship, on review by the Supreme Court, the Court stated, 'the order challenged here, rejecting the evidence tendered by petitioner Agosto and his witnesses that he was born in the United States. App - 23 - 59, the Board of Immigration Appeals affirmed, it noted that, if believed, the testimony of Petitioner's witnesses clearly refutes the Service otherwise strong documentary demonstration of Petitioner's alienage" and that it is not beyond the realm of possibility that Petitioner's claim of U.S. Citizenship is legitimate. Pet for Cert. VIII. Here Plaintiff was Confronted with similar opposition, Thus, ACLU's Conduct depletes the need to find Sevid Agency and must be abolished.

Here, as Plaintiff clearly maintains it should have been Full Independent rights from the Defendants as a whole and the Defendant Laura Bush, Condoleezza Rice and Sue L. Robinson, with deliberate Indifference to said rights, acted or failed to act in such a manner as to properly, discover, develop and encourage the, Department of Homeland Security, appointed Laws and Practices to be set aside as applied to me, having power to recover Plaintiff's Records to establish statements of birth, family records as under the Federal Rules of Evidence Rules, 803 et seq, whereas, the original record in the Florida Health Department, herein a defendant, was violated under 18 U.S.C. § 2011, Corrupted, removed or mutilated, wherein Plaintiff, wrote to Laura Bush and Condoleezza Rice, knowing that there are Times, when Laura Bush, President George W. Bush's wife and First Lady, wears the trousers, despite the war, as the spotlight falls on her, the First Lady.

Similarly, the French Lady, Simone Veil, has become the president of the European Parliament, while Maria PINTASSILGO cracks the whip in Portugal. From reports Hillary Bill Clinton, leads several respect on the rampage of AIDS, today, the spotlight falls on Laura Bush, how great she is I do not know, however, tendered my humble request for help. Indeed she may have added and examined the rights through heredity under the U.S. President. Moreover, under Sue L. Robinson, the Chief Judge, U.S. District Court for the District of Delaware, because of this racial Potency, what Plaintiff has been deprived was not open to negotiation and having knowledge Plaintiff is thrown into Imperfect Transcript Appeal,

V. STATEMENT OF CLAIM

Instructions:

State here as briefly as possible the facts of your case. Use plain language and do not make legal arguments or cite cases or statutes. State how each defendant violated your constitutional rights. Although you may refer to any person, make claims only against the defendants listed in the Caption, Section I. Make only claims which are factually related. Each claim should be numbered and set forth in a separate paragraph with an explanation of how the defendants were involved. Use the reverse of this page or a separate sheet of paper if you need more space.

Statement of claim:

Even if Plaintiff is released under exactly the same Condition, where he will have to have these dehumanizing stamps in those dehumanizing passports to seek work, what freedom is being offered, to give to a person born in the United States who must still seek permission to remain or enter his own Country America? What freedom will Amala be released to when the matter is not considered on Condition that gives me my Birth Status in Florida. I, Gabeke M Amala declare for all our Country and the World to know, that I have been robbed my Birthright to land, liberty and peace by a form of Government Ruled under Condoleezza Rice and depriving Plaintiff of equal protection of law on injustice and inequality.

VI. RELIEF

Instruction: Briefly state exactly what you want the Court to do for you.

Relief sought: Proverbs 25:15: By Long forbearance a ruler is persuaded, and a gentle tongue breaks a bone; vs 14, whoever falsely boasts of giving is like clouds and winds without rain. Here, the Court have the relief on hand. Open my Birth record/Conceded and rebuke the deceitful conduct over my Documents Compensation and Settlements, Preliminary Injunction and Declaratory

VII. DECLARATION AND SIGNATURE

I (we) declare under penalty of perjury that the foregoing is true and correct.

2/16/07

DATE



SIGNATURE OF PLAINTIFF(S)

Judgment
Origin IUS,
or Homeland
Security
From Capable
of Repression



RALD D. COPE, JR.
CHIEF JUDGE
VID L. LEVY
VID M. GERSTEN
LVIA D. GREEN
IN G. FLETCHER
IN RAMIREZ, JR.
DA ANN WELLS
ANKA SHEPHERD
HARD J. SUAREZ
BELA A. CORTIÑAS
LIEB. ROTHENBERG
JUDGES

DISTRICT COURT OF APPEAL
THIRD DISTRICT
2001 S.W. 117 AVENUE
MIAMI, FLORIDA 33175-1718

MARY GAY BLANKS
CLERK
DOROTHY L. MUNRO
MARSHAL
DEBBIE MCCURDY
CHIEF DEPUTY CLERK
ALAN SADOWSKI
DEPUTY MARSHAL

TELEPHONE (305) 220-3200

ACKNOWLEDGMENT OF NEW CASE

DATE: October 25, 2006

STYLE: GBEKE MICHAEL AWALA, v. FLORIDA DEPT. OF HEALTH,

3DCA#: 3D06-2624

The Third District Court of Appeal has received the Notice of Appeal reflecting a filing date of 10/5/06.

The county of origin is Dade.

The lower tribunal case number provided is 05-15946.

Case Type: Family The filing fee is Due.

The Third District Court of Appeal's case number must be utilized on all pleadings and correspondence filed in this cause. Moreover, ALL PLEADINGS SIGNED BY AN ATTORNEY MUST INCLUDE THE ATTORNEY'S FLORIDA BAR NUMBER.

Please review and comply with any handouts enclosed with this acknowledgment.

cc:
Angela T. Hall
M. Rony Francois
Gbeke Michael Awala
Florida Dept. Of Health
Harvey Ruvin

ay

258

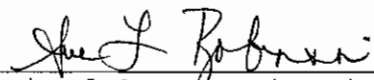
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Crim. No. 04-090-SLR
)	
GBEKE AWALA,)	
)	
Defendant.)	

O R D E R

At Wilmington this 7th day of February, 2007, having
considered defendant's motion for payment of investigator;

IT IS ORDERED that defendant's motion (D.I. 234) is
granted.


United States District Judge



HARVEY RUVIN
CLERK OF CIRCUIT AND COUNTY COURTS
FAMILY COURT DIVISION
APPEALS UNIT
175 N.W. 1ST AVENUE, SUITE 1200
MIAMI, FLORIDA 33128

***** INVOICE *****

INVOICE DATE: 11/22/2006

GBEKE M. AWALA, PRO SE
NO. 82074-054, UNIT D601A
MOSHANNON VALLEY CORRECTIONAL CENTER
PO BOX 2000
PHILIPSBURG, PA 16866

RE: LOWER CASE NO.: 05-015946-FC
DCA NO.: 06-2624

GBEKE MICHAEL AWALA

VS. FLORIDA DEPARTMENT OF HEALTH

STATEMENT OF CHARGES DUE FOR SERVICES RENDERED PURSUANT TO FS 28.24(9)(a) AND APPELLATE RULE 9.200.

ADDITIONAL PAGES	1.00
FILING FEE FC/PB/MH TO DCA	52.50
ESTIMATED RECORD PREPARATION	60.00

TOTAL:	113.50
AMOUNT PAID:	0.00
BALANCE DUE:	113.50

☒ APPELLATE RULES 9.100(b), 9.110(b), 9.130(b) AND FS28.241(3) PRESCRIBE THAT THE FILING FEE SHALL BE PAID UPON THE FILING OF A NOTICE OF APPEAL.

☒ UPON RECEIPT OF YOUR PAYMENT, THE CLERK WILL PREPARE YOUR RECORD ON APPEAL. LATE PAYMENTS MAY REQUIRE YOU TO APPLY TO THE HIGHER COURT FOR A NEW BRIEFING SCHEDULE.

☐ YOUR RECORD ON APPEAL IS COMPLETED, HOWEVER IT WILL NOT BE TRANSMITTED TO THE HIGHER COURT UNTIL PAYMENT IS RECEIVED.

PLEASE MAKE CHECK PAYABLE TO: CLERK OF CIRCUIT COURT
ATTN: FAMILY APPEALS UNIT
175 N.W. 1ST AVENUE
SUITE 1200
MIAMI, FLORIDA 33128

Clerk, Circuit and County Court
In and for Dade County, Florida

By: Marlen Morales
(Deputy Clerk)

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

GBEKE MICHAEL AWALA,)	
)	
Plaintiff,)	
)	
v.)	Civ. No. 07-61-GMS
)	
CHIEF JUDGE SUE L. ROBINSON,)	
et al.,)	
)	
Defendants.)	

ORDER

Plaintiff Gbeke Michael Awala ("Awala"), an inmate at the Moshannon Valley Correctional Facility, Philipsburg, Pennsylvania, filed this action pursuant to 42 U.S.C. § 1983. Awala proceeds *pro se* and has requested leave to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915. (D.I. 1.)

The Prison Litigation Reform Act ("PLRA") provides that a prisoner cannot bring a new civil action or appeal a judgment in a civil action *in forma pauperis* if he has three or more times in the past, while incarcerated, brought a civil action or appeal in federal court that was dismissed as frivolous, malicious, or for failure to state a claim upon which relief may be granted. 28 U.S.C. § 1915(g). A case dismissed as frivolous prior to the enactment of the PLRA (i.e., April 26, 1996) is counted when applying the "three strikes rule". *Keener v. Pennsylvania Bd. of Probation & Parole*, 128 F.3d 143 (3d Cir. 1997). An exception is made to the "three strikes rule" when the prisoner is in imminent danger of serious physical injury. Also, a prisoner who is not proceeding *in forma pauperis* may file a new civil action or appeal even if that prisoner has

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

No. 06-4068

Awala

vs.

Jordan, et al.

Gbeke Awala

Appellant

(Delaware District Civil No. 05-cv-00783)

S E R V I C E L I S T

Mr. Gbeke Michael Awala ###82074-054
Moshanon Valley CI
P.O. Box 2000
Philipsburg, PA 16866

Office of United States Attorney
Office of United States Attorney
1007 North Orange Street
Suite 700
Wilmington, DE 19801

United States Court of Appeals

FIFTH CIRCUIT
OFFICE OF THE CLERK

CHARLES R. FULBRUGE III
CLERK

TEL. 504-310-7700
600 S. MAESTRI PLACE
NEW ORLEANS, LA 70130

January 29, 2007

Mr. Gbeke M. Awala
Moshannon Valley Correctional Center
P.O. Box 2000
Philipsburg, PA 16866

Dear Mr. Awala:

This letter is to acknowledge that your complaint of misconduct against United States Circuit Judge Rhesa H. Barksdale is being processed and has been assigned the following docket number:

07-05-351-0037

You will be advised, by mail, of the Chief Judge's action on your complaint.

Sincerely,

CHARLES R. FULBRUGE III
Clerk

By


Shelley E. Saltzman
Deputy Clerk

United States Court of Appeals

Eleventh Circuit
56 Forsyth Street, N.W.
Atlanta, Georgia 30303

Thomas K. Kahn
Clerk

In Replying Give Number
Of Case And Names of Parties

November 14, 2006

Gbeke Awala
Moshannon Valley CI
MVCC B-P6
PO Box 2000
Philipsburg, PA 16866-0798

RE: 06-14017-A Gbeke Michael Awala v. Kenneth Jones
DC DKT NO.: 06-20630-CV-MGC

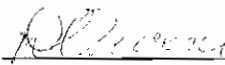
This court entered an order dismissing your appeal on August 24, 2006. You filed a Motion for Reconsideration and this court entered an order denying your Reconsideration on October 26, 2006. 11th Cir. R. 27-3 Successive Motions for Reconsideration Not Permitted *advises a party may file only one motion for reconsideration with respect to the same order. Likewise, a party may not request reconsideration of an order disposing of a motion for reconsideration previously filed by that party.*

Your motion is being returned unfiled since this court has no jurisdiction to grant the relief requested.

If you have any other questions concerning this matter, please contact this office.

Sincerely,
THOMAS K. KAHN, Clerk

By:


Deputy Clerk

Encl.

Successive Motion for Reconsideration

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

FILED
January 17, 2007

No. 06-7423
1:06-cv-01052-JFM

GBEKE MICHAEL AWALA

Plaintiff - Appellant

v.

ALBERTO R. GONZALES, Attorney General; EDWARD C. DURANT,
Attorney; THOMAS WARD HUSSEY; LINDA SUSAN WENDTLAND,
Attorney; DEPARTMENT OF HOMELAND SECURITY, Border
Protection, Immigration, and Customs Enforcement, all
defendants in their individual and official capacities

Defendants - Appellees

O R D E R

Appellant has filed a motion to recall the mandate.

The Court denies appellant's motion.

For the Court - By Direction

/s/ Patricia S. Connor

CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA
U.S. COURTHOUSE
INDEPENDENCE MALL WEST
601 MARKET STREET
PHILADELPHIA, PA 19106-1797

MICHAEL E. KUNZ
CLERK OF COURT

CLERK'S OFFICE
ROOM 2609
TELEPHONE
(215)597-7704

Mr. Gbeke M. Awala
82074-054
M.V.C.C.
P.O. Box 2000
Philipsburg, PA 16866

RE: Awala v. 110th Congress, et al
CA07-130

Dear Mr. Awala:

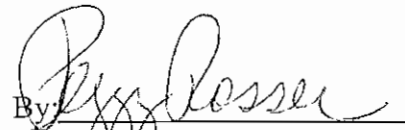
Pursuant to amendment to the Federal Rules of Appellate Procedure effective August 1, 1979, the following fees are to be tendered to the Clerk of the District Court at the time of filing the notice of appeal.

- (a) \$5.00 filing fee for the notice of appeal.
- (b) \$450.00 docket fee for the Court of Appeals.

Please make your check payable to the Clerk, United States District Court.

Very truly yours,

MICHAEL E. KUNZ
Clerk of Court

By: 
Peggy Rosser, Deputy Clerk

cc: Clerk, U.S. Court of Appeals
Appeals Clerk, U.S. District Court

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

UNITED STATES OF AMERICA,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Crim. Action No. 04-90-KAJ
	:	
GIBEKE AWALA,	:	
	:	
Defendant.	:	

SUBSTITUTION OF COUNSEL

Please withdraw the appearance of Assistant United States Attorney Beth Moskow-Schnoll and enter the appearance of Assistant United States Attorney Ilana H. Eisenstein as counsel of record for the government in the above-captioned case.

Respectfully submitted,

COLM F. CONNOLLY
United States Attorney

By: /s/Ilana H. Eisenstein
Ilana H. Eisenstein
Assistant United States Attorney

Dated: February 1, 2007

TO: Clerk, U.S. District Court X Felony Class A Class B, C,
Misdemeanor and
FROM: U.S. Attorney Infractions

DEFENDANT: GBEKE AWALA X Indictment Information

D.O.B. 6/17/69, 70, or 71

 Complaint or Violation

COUNTY OF OFFENSE: New Castle

OFFENSE(S) & CITATION(S):

Re-entry After Deportation
8 U.S.C. 1326(a) and (b)(2)
(Count I)

MAXIMUM PENALTY:

20 years imprisonment,
\$250,000 fine,
3 years supervised release,
\$100 special assessment

INSTRUCTIONS

X ISSUE SUMMONS FOR APPEARANCE ON , 2004, at
 ISSUE ARREST WARRANT UPON SIGNING OF ORDER.
 DO NOT ISSUE ANY WRIT.
 INTERPRETER NEEDED. LANGUAGE:
X APPOINTED COUNSEL. NAME & ADDRESS: Christopher S. Koyste, Esquire
Assistant Federal Public Defender
First Federal Plaza, Suite 110
704 King Street
Wilmington, DE 19801

DEFENDANT INFORMATION

DEFENDANT'S ADDRESS: federal custody
CITY: COUNTY: STATE: ZIP:
DATE OF ARREST: DATE OF 1st APPEARANCE THIS DISTRICT:
BAIL SET: DATE MADE: REMAINS IN FED. CUSTODY:
 THIS PROSECUTION RELATES TO PENDING CASE INVOLVING SAME DEFENDANT OR
OTHER DEFENDANTS. DOCKET #

Beth Moskow-Schnoll

Beth Moskow-Schnoll
Assistant United States Attorney

CR04-40

RECEIVED

AUG 26 2004

FEDERAL PUBLIC DEFENDER
DISTRICT OF DELAWARE

U. S. Department of Justice
Immigration and Naturalization Service

Notice of Intent/Decision to Reinstate Prior Order

File No. A074 190 250
Case No: VPI0408000085
Date: August 12, 2004

Name: Gbeka Awala

In accordance with section 241(a)(5) of the Immigration and Nationality Act (Act) and 8 CFR241.8, you are hereby notified that the Attorney General intends to reinstate the order of Deportation entered against you. This intent is based on the following determinations:
(Deportation / exclusion / removal)

1. You are an alien subject to a prior order of deportation / ~~exclusion~~ / ~~removal~~ entered on September 21, 1999 at Okdale, Louisiana
(Date) (Location)

2. You have been identified as an alien who:

- ☒ was removed on November 13, 1999 pursuant to an order of deportation / ~~exclusion~~ / ~~removal~~.
(Date)
- ☐ departed voluntarily on _____ pursuant to an order of deportation / ~~exclusion~~ / ~~removal~~ on or after the date on which such order took effect (i.e., who self-deported).
(Date)

3. You illegally reentered the United States on or about July 18, 2004 at or near Rainbow Bridge, NY.
(Date) (Location)

In accordance with Section 241(a)(5) of the Act, you are removable as an alien who has illegally reentered the United States after having been previously removed or departed voluntarily while under an order of exclusion, deportation or removal and are therefore subject to removal by reinstatement of the prior order. You may contest this determination by making a written or oral statement to an immigration officer. You do not have a right to a hearing before an immigration judge.

The facts that formed the basis of this determination, and the existence of a right to make a written or oral statement contesting this determination, were communicated to the alien in the ENGLISH language.

AXEL GONZALEZ FIGUEROA
(Printed or typed name of official)

[Signature]
(Signature of officer)

SPECIAL AGENT

(Title of officer)

Acknowledgment and Response

I ☐ do ☐ do not wish to make a statement contesting this determination.

(Date)

RETURNED to sign
(Signature of Alien)

Decision, Order, and Officer's Certification

Having reviewed all available evidence, the administrative file and any statements made or submitted in rebuttal, I have determined that the above-named alien is subject to removal through reinstatement of the prior order, in accordance with section 241(a)(5) of the Act.

8/23/04
(Date)

PH
(Location)

[Signature]
(Signature of authorized deciding INS official)

LINDA J. VALENTINE
(Printed or typed name of official)

GROUP SUPERVISOR

(Title)

DL

U. S. Department of Homeland Security
Immigration and Customs Enforcement

Immigration Detainer - Notice of Action

BOP # 82 74-054	
File No. A 74 190 250-	
Date 9/28/2006	
To: (Name and title of Institution) WARDEN MOSHANNON VALLEY CORR. CENTER 555 CORNELL DRIVE PHILIPSBURG PENNSYLVANIA 16866	From: (INS office address) U.S. DHS/ICE ALLENWOOD @ LSCI P. O. BOX 209 WHITE DEER, PA 17887

Name of alien: AWALA, Gbeke Projected Release _____Date of birth: 5/17/1971 Nationality: Nigeria Sex: M**You are advised that the action noted below has been taken by the Immigration and Customs Enforcement concerning the above-named inmate of your institution:**

- ☒ Investigation has been initiated to determine whether this person is subject to removal from the United States.
- ☐ A Notice to Appear or other charging documents initiating removal proceedings, a copy of which is attached, was served on _____ (Date)
- ☐ A warrant of arrest in removal proceedings, a copy of which is attached, was served on _____ (Date)
- ☐ Deportation or removal from the United States has been ordered.

It is requested that you:

Please accept this notice as a detainer. This is for notification purposes only and does not limit your discretion in any decision affecting the offender's classification, work and quarters assignments, or other treatment which he or she would otherwise receive.

☒ Federal regulations (8 CFR 287.7) require that you detain the alien for a period not to exceed 48 hours (excluding Saturdays, Sundays and Federal holidays) to provide adequate time for INS to assume custody of the alien. You may notify ICE by calling 570-547-6903 during business hours or _____ after hours in an emergency.

☒ Please complete and sign the bottom block of the duplicate of this form and return it to this office. ☐ A self-addressed stamped envelope is enclosed for your convenience. ☐ Please return a signed copy via facsimile to _____

(Area code and facsimile number)

Return ~~for~~ to the attention of S. Montgomery, at 814 768-2687

(Name of INS officer handling cases)

(Area code and phone number)

- ☒ Notify this office of the time of release at least 30 days prior to release or as far in advance as possible.
- ☒ Notify this office in the event of the inmate's death or transfer to another institution.
- ☐ Please cancel the detainer previously placed by this Service on _____

(Signature of INS official)

IEA

(Title of INS official)

Receipt acknowledged:

Date of latest conviction: _____ Latest conviction charge: _____

Estimated release date: _____

STEPHEN C. MONTGOMERY

I.E.A.

ALLENWOOD, PA

U.S. Department of Justice

Administrative Detention Order

Federal Bureau of Prisons

MVCC	01-05-2007/1120
Institution	Date/Time

FROM: Lt R. Phillips
Name and Title

SUBJECT: Placement of inmate: Awala, Gbeke Reg No. 82074-054 In Administrative Detention.
Inmate Name BOP #

- ☐ (a) Is pending a hearing for a violation of Bureau regulations;
- ☐ (b) Is pending investigation of a violation of Bureau regulations;
- ☐ (c) Is pending investigation or trial for a criminal act;
- ☐ (d) Is to be admitted to Administrative Detention

- ☒ (1) Since the inmate has requested admission for protection;
- I hereby request placement in Administrative Detention for my own protection.

Inmate Signature/Register No: _____

Staff Witness Printed Name/Signature: _____

- ☐ (2) Since a serious threat exists to individual's safety as perceived by staff, although person has not requested admission: referral of the necessary information will be forwarded to the UDC/DHO for appropriate hearing.

- ☐ (e) Is pending transfer or is in holdover status during transfer;
- ☐ (f) Is pending classification: or
- ☐ (g) Is terminating confinement in Disciplinary Segregation and has been ordered into Administrative Detention by the Warden's designee.

It is this officer's decision based on all the circumstances that the above named inmate's continued presence in the general population poses a serious threat to life, property, self, staff, other inmates, or to the security or orderly running of the institution because*

Protective Custody 1-05-2007

Therefore, the above named inmate is to be placed in Administrative Detention until further notice. The inmate received a copy of this order on (date/ time)

Staff Witness Signature/ Printed Name: A. Leskewsky Date: 1-5-07 1153

In the case of DHO action, reference to that order is sufficient, in other cases; the officer will make an independent review and decision, which is documented here.

cc: Inmate Concerned (not necessary if placement is a result of holdover status)
Captain
Unit Manager
Operations Supervisor — Administrative Detention Unit
Central File

U.S. Department of Justice

Administrative Detention Order

Federal Bureau of Prisons

MVCC	10-22-06-2015
Institution	Date/Time

FROM: LT. J. LEE MHUIS
Name and Title

SUBJECT: Placement of inmate: AWALA, GBEKE Reg No. 82074-054 In Administrative Detention.
Inmate Name BOP #

- ☐ (a) Is pending a hearing for a violation of Bureau regulations;
- ☐ (b) Is pending investigation of a violation of Bureau regulations;
- ☐ (c) Is pending investigation or trial for a criminal act;
- ☐ (d) Is to be admitted to Administrative Detention

- ☐ (1) Since the inmate has requested admission for protection;

I hereby request placement in Administrative Detention for my own protection.

Inmate Signature/Register No: _____

Staff Witness Printed Name/Signature: _____

- ☒ (2) Since a serious threat exists to individual's safety as perceived by staff, although person has not requested admission: referral of the necessary information will be forwarded to the UDC/DHO for appropriate hearing.

- ☐ (e) Is pending transfer or is in holdover status during transfer;
- ☐ (f) Is pending classification; or
- ☐ (g) Is terminating confinement in Disciplinary Segregation and has been ordered into Administrative Detention by the Warden's designee.

It is this officer's decision based on all the circumstances that the above named inmate's continued presence in the general population poses a serious threat to life, property, self, staff, other inmates, or to the security or orderly running of the institution because*

INMATE AWALA WAS ASSAULTED IN D UNIT & IS UNDER
THREAT OF FURTHER ASSAULT. TREATED AT MEDICAL

Therefore, the above named inmate is to be placed in Administrative Detention until further notice. The inmate received a copy of this order on (date/ time)

Staff Witness Signature/ Printed Name: J. Leemhuis / J. LEE MHUIS LT- Date: 10-22-06 504

In the case of DHO action, reference to that order is sufficient, in other cases; the officer will make an independent review and decision, which is documented here

cc: Inmate Concerned (not necessary if placement is a result of holdover status)

Captain

Unit Manager

Operations Supervisor — Administrative Detention Unit

Central File

Gbeki

No. 82074-054

Moshannon Valley Correctional Center

P.O. Box 2000

Philipsburg PA 16866



Sue /
Chief Ju
U.S.
844 n
wilmington

Legal mail: